

REMARKS

Claims 13-32 are in the application. Claim 30 is amended to correct an error of an apparent nature. Entry of the amendment is appropriate because it presents no new issues and places the application in better condition for allowance.

In the most recent office action all of the claims were finally rejected on similar or identical grounds to those presented in the prior office action. It is respectfully requested that the Examiner remove these rejections for the reasons which now follow.

ALL REJECTIONS BASED ON THE KARNA REFERENCE ARE IN ERROR

Reconsideration of the rejection of the claims under Sections 102 and 103 is again requested in view of the prior amendment to the sole independent claim number 13. In the rejection of claim 13, under Section 102, the Examiner continues to read the subject matter directly upon the Karna reference (U.S. 5,291,299). Applicants acknowledge that the Examiner appears to consider the issuance of control signals from block 2 of Fig. 1 in the Karna reference as being equivalent to a communication between a central apparatus and a signaling apparatus. Notwithstanding the merits of this reading, the combination of claim 13 requires more.

It is readily apparent that, taken out of context, one can often read individual phrases and claim elements on prior art having no relation to the given context. In this instance, the Examiner has attempted to stretch the meaning of words in the disclosure of Karna (e.g., col. 2, lines 35-50) in an attempt to make final a rejection under Section 102. In fact, the reference (1) does not relate to the claimed invention; and (2) does not disclose every element and feature recited in the claims. Specifically, claim 13 expressly requires that

"communication between the central communications apparatus and the signaling apparatuses is performed ... using a number of frequency bands..."

The Examiner somehow finds this quoted subject matter as though it is suggested or disclosed in the prior art. Rather, the text relied upon in the Karna reference (col. 2, lines 35-50) does not at all disclose such use of multiple frequency bands. The cited passage references a "clock pulse synchronized with the line [frequency] and suggests that if the power stage comprises gate-commutated components "it is also possible to use other clock pulse frequencies." Id.

Again, in the context of the disclosure presented in the Karna reference (i.e., "a light system by means of which lamps contained in lighting units 1 can be lit up and put out to obtain a progressive light front." Col. 2, lines 34-36), there is neither a suggestion of the above use of a number of frequency bands nor any motivation to use such. The cited text only indicates that, in lieu of synchronizing a clock pulse signal with a line frequency, "it is also possible to use other clock pulse frequencies." Col. 2, lines 55-56. Again, looking at the context of the disclosure it is clear that reference to "frequencies" could not mean performing

"communication ... using a number of frequency bands..."

since the Karna reference would only use a single clock frequency for communication. Further, the claim language expressly requires that

"communication ... is performed ... using a number of frequency bands..."

Thus the Examiner's interpretation is inconsistent with the disclosure of Karna and the language of claim 13 is inconsistent with the disclosure of Karna. Consequently, based on a plain and literal reading of the claim language it is wrong to read claim 13 on the Karna reference. It is only the applicant who teaches a communications system for signaling apparatuses at an airport which system provides such communication using a number of frequency bands.

The rejection has only pulled phrases out of context to contrive a rejection which is not properly grounded in the prior art and which does not make sense in the context of the Karna reference. In summary the Examiner's effort to "find" claim language in the prior art only results in an inconsistent reading of the prior art.

It is also noted that the use of the Karna reference to reject claims 15 and 16 also makes little sense. The rejection contends that Official Notice can be taken that applicants' claimed frequency range is well known in the art. What art? What application? What context? Applicants did not invent a frequency range. Rather, in the context of the claimed subject matter there is no teaching of a combination which could render claims 15 and 16 obvious. Specifically, in the context of the Karna reference, which is concerned with lighting units that can be lit up and put out to obtain a progressive light front, there is no need to create clock pulse signals in the 10 kHz - 150 kHz range. The mere statement that another frequency than the line frequency may be used to synchronize a clock pulse does not, in any way, lay a foundation for the subject matter of

claims 15 and 16. One concerned with mere lighting control as disclosed by the Karna reference would have no reason to look in such a frequency range to generate clock signals. It is only in hindsight of applicant's teachings that the Examiner assembles a hodge podge of phrases and arguments without basis to formulate a rejection. Perhaps the Examiner has lost sight that most inventions are combinations and the mere fact that one can confirm a prior existence of elements recited in a claimed combination has little to do with reaching a conclusion of obviousness.

As for the rejections of claims 23-25, the Examiner again glosses over the context of the Karna reference when asserting that it would be obvious to modify the Karna reference to incorporate OFDM. Orthogonal Frequency Division Multiplexing is a spread spectrum technique that normally distributes data over multiple carriers that are at spaced-apart frequencies. There is simply no reason for any one employing the disclosure of the Karna reference, e.g., for simply providing a progressive light front, to use OFDM. Specifically, the Examiner cannot identify any need or benefit for doing so. There is no legitimate motivation underpinning the proposed combination.

With regard to the other rejections (e.g., claims 17-19 and 22) under Section 103, they are attempts to demonstrate that in "other" contexts it is known that multiple frequency bands can be used in communications. However, this is all premised on the incorrect conclusion that the Karna reference teaches multiple frequency bands for a clock signal - which is non-sense. Applicants teach communicating with multiple frequency bands and Karna discloses what is known - to use a single frequency to generate a clock signal. Thus the rejection is defective and the Ward reference cannot compensate for the deficiencies of the Karna reference.

Applicants must also disagree with the Examiner's conclusion that an admission has been made regarding claimed frequency ranges and OFDM. As already argued herein, the traversal is directed to the Examiner's combination of features and not to the mere existence of individual prior art elements. The Karna reference is an unsuitable component for the Section 103 rejections because the subject matter dealt with in that reference has no relationship to the claimed features (e.g., frequency ranges and OFDM). Consequently it is inappropriate to reconstruct the Karna reference by "finding" a reference to OFDM or taking notice that such frequency ranges are known in other contexts.

Based on the above-stated differences, the claims are distinct and non-obvious over the art of record. Further, although not argued specifically, other ones of the dependent claims recite numerous features which further distinguish over the prior art. For example, claim 31 requires

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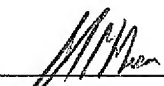
decentralized communication apparatuses forming an adaptive system. Contrary to the Examiner's citation at col. 4, lines 21-27 in the Karna reference, an adaptive system is not the same as having a lighting unit adapted for operation with a control unit. Applicants acknowledge that there is value in using word searches to turn up prior art, but when a minimum level of analysis and judgment are applied one can easily recognize when a search result is totally irrelevant to the context in which similar words are used in a patent claim.

Conclusion

In summary, the Examiner has not carried the burden for formulating proper rejections. Based on the above remarks and the amendments of record, the application should be allowed. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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